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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

Eastern DIVISION

(Write the full name of the plaintiff in this action.  
Include prisoner registration number.)

Alexander Howell 1367452  
v.

COII Jimmy Kennon  
COI Coleman  
COI Russell, Lloyd  
~~COI Russell, Lloyd~~  
Warden Cofer  
Beck Broker Reed

~~COI Coleman~~  
Joshua Lee

Case No: \_\_\_\_\_  
(to be assigned by Clerk of District Court)

Plaintiff Requests Trial by Jury

☒ Yes ☐ No

(Write the full name of each defendant. The caption  
must include the names of **all** of the parties.  
Fed. R. Civ. P. 10(a). Merely listing one party and  
writing "et al." is insufficient. Attach additional  
sheets if necessary.)

**PRISONER CIVIL RIGHTS COMPLAINT UNDER 42 U.S.C. § 1983**

**NOTICE:**

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff should not send exhibits, affidavits, witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed without prepayment of fees and costs.

#7

**I. The Parties to this Complaint**

**A. The Plaintiff**

Name: Alexander Howell

Other names you have used: Alexis Howell

Prisoner Registration Number: 1367452

Current Institution: Bonne Terre ERDCC  
2727 Highway K  
Bonne Terre, Missouri 63628

Indicate your prisoner status:

<input type="checkbox"/> Pretrial detainee	<input checked="" type="checkbox"/> Convicted and sentenced state prisoner
<input type="checkbox"/> Civilly committed detainee	<input type="checkbox"/> Convicted and sentenced federal prisoner
<input type="checkbox"/> Immigration detainee	<input type="checkbox"/> Other (explain): _____

**B. The Defendant(s)**

To the best of your knowledge, give the information below for each defendant named in the caption of this complaint. Make sure the defendant(s) named below are the same as those listed in the caption of this complaint. Attach additional pages if necessary.

For an individual defendant, include the person's job title, and check whether you are suing the individual in his or her individual capacity, official capacity, or both.

**Defendant 1**

Name: Kennon, Jimmy

Job or Title: CO II (Sergeant)

Badge/Shield Number: E0115147

Employer: Eastern Reception Diagnostic and Corrections Center

Address: 2727 Highway K, Bonne Terre, MO 63628

☒ Individual Capacity ☒ Official Capacity

## Defendants

3)

- |    |                         |                                       |
|----|-------------------------|---------------------------------------|
| 1) | capacity of suit nature | individual & official capacity        |
| 2) | Name                    | Cofer                                 |
| 3) | job/title               | warden                                |
| 4) | badge/shield #          | N/A                                   |
| 5) | employer                | ERDCC                                 |
| 6) | address                 | 2727 Highway K, Bonne Terre, mo 63628 |

4)

- |    |                         |                                       |
|----|-------------------------|---------------------------------------|
| 1) | Capacity suit of nature | Individual & official capacity        |
| 2) | Name                    | Coleman                               |
| 3) | title/job               | COI (Correction officer)              |
| 4) | badge/shield #          | N/A                                   |
| 5) | employer                | ERDCC                                 |
| 6) | address                 | 2727 Highway K, Bonne Terre, mo 63628 |

5)

Re.

- |    |                         |                                       |
|----|-------------------------|---------------------------------------|
| 1) | Capacity suit of nature | Individual & official capacity        |
| 2) | Name                    | Reed                                  |
| 3) | job/title               | Bed broker                            |
| 4) | badge/shield #          | N/A                                   |
| 5) | employer                | ERDCC                                 |
| 6) | address                 | 2727 Highway K, Bonne Terre, mo 63628 |

6)

- |    |                         |                                       |
|----|-------------------------|---------------------------------------|
| 1) | capacity suit of nature | individual capacity                   |
| 2) | Name                    | Joshua Lee                            |
| 3) | title/job               | COI (sergeant)                        |
| 4) | badge/shield #          | EQ140877                              |
| 5) | employer                | ERDCC                                 |
| 6) | address                 | 2727 Highway K, Bonne Terre, mo 63628 |

**Defendant 2**

Name: Russell, Lloyd

Job or Title: COI Corrections Officer

Badge/Shield Number: 00127992

Employer: Eastern Reception Diagnostic and Corrections Center

Address: 2727 Highway K, Bonne Terre, MO 63628



Individual Capacity



Official Capacity

**II. Statement of Claim**

Type, or neatly print, a short and plain statement of the **FACTS** that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

Kennon Jimmy

On 12/16/21 I was anally raped by an inmate named Terrance Hall. Prior to the event, this sgt made a sexual joke about me stating "what did [he] do to deserve this," (referring to me as a this). After being raped, Mr. Hall stated "im sorry it happened this way, they knew what they were doing." After hitting the distress button for at least half an hour, this sgt appeared and deliberately ignored me when I stated "I need [his] help with something important."



Coleman

The indirect control center (idcc) officer, Coleman, ignored me pressing the distress button. After being let out for rec time, while traumatized, I began stuttering while asking questions for help. The idcc officer then threatened to put me in the hole for "Fucking with [him]" I, therefore asked to move cells and was allowed, but then fondled by another inmate, Lauren R.ies. Because of Coleman's intimidation and Kennard's actions, I reported everything to a caseworker the following morning. He moved me w/o using Policy 15-3.1 Transgender Resident Housing. Due to reporting the Pres, I was placed in the hole on protective custody.

Warden Coe / Bedbroker Reed

After being released from PC I was housed with an inmate who had a sodomy charge, Hu Jinan. This inmate was slapping my buttocks. If 15-3.1 policy was used, I wouldn't of been housed with Hu and placed in imminent danger. Their failure to follow the policy caused a second fondling/third sexual assault.

### III. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

I suffer from insomnia, anxiety, depression, trauma, and hearing voices. I did receive both medical & mental health. I am on medication for all but depression and insomnia. I was also at risks of illnesses & diseases unnecessarily due to inhumane living. Lastly I suffer from emotional distress.

Russell, Lloyd

On 1/17/2022, this officer made verbal sexual harassment comments demeaning to my gender: "You're not a transgender you're a boy," repetitively during an argument. After informing him I was going to notify a lieutenant, he threatened to place me in the hole if I told. Since I did, he placed me in the hole.

Joshua Lee / Jimmy Kennon

Upon my entrances of Administrative PC, ~~and~~ PC, both sergeants placed me in unconditionally filthy cells for an excessive amount of time w/o being able to clean for 3 days. Although I got to clean the cells, I only had 6 minutes, which isn't an enough time. The cells have black hate racial slurs and images written on them. All inmates are restricted on canteen hygiene, daily showers, phone usage, and pants compared to general population. Phones are used every 60 days, showers every 3, and no pants are allowed. We can't even call our attorneys at request by inmates. These officials claim this is ERDC policies.

Around 10pm on 1/2/22 I notified Sgt Lee of my cell (112) flooding from the toilet w/ feces & urine water. It spread out the cell and under my bed. Around 11pm, I was told a work order would be placed in, but I wasn't going to be moved. Previously I reported it to COI Rodriguez around 3-4pm on 1/1/22.

On 2/2/22 around 1pm Sgt Kennon was informed of the flooding cell. Immediately I was blamed and refused to be moved. I informed him I previously made 2 reports, but he insisted I didn't and left me in the feces & urine. In between 1:20-1:30pm Sgt Kennon sent COI Rodriguez to hush me saying "If [I] complained of the conditions [I was] living in [I] would be wrote up."



Around 1200am Sgt Lee finally had my cell cleaned, but continued to leave me in the cell with an inoperable toilet until 2/4/21. My toilet was inoperable for 5 days; I've lived in these conditions for 43 days.

Mr. Boyer (Functioning Unit Manager) refuses to let me have a cellmate due to ~~p~~ gender discrimination, although claiming it is for safety reasons. On January 27, 2022, Sgt Kennon informed me I could not receive a cellmate because "the firm [wouldn't] allow you to have one. Her the problem." On ~~three~~ other occasions the inconsiderable Sgt Lee said no "because [he] said so." The other time, I explained to mental health ~~careworker~~ socialworker Baker and Careworker Kennon how it would be beneficial to my behavior pattern and mental status to have a cellmate. Careworker Kennon and socialworker Baker both tried advocating for me and was told "NO for [my] safety and security." L



Kennon

- staff on inmate sexual harassment

Kennon, Lee

- gross conditions of confinement
- extreme differential measures of conditions compared to general population

Coleman, Kennon

- Failure to prevent, detect, respond to sexual assault or rape
- Failure to train, supervise employees
- Failure to ensure transgender resident safety under policy 155-3.1
- threatening to retaliate / retaliation / intimidation

Cofer, Reed

- Failure to ensure transgender safety under policy 155-3.1
- Failure to prevent sexual assault / rape
- Failure to supervise, train employees

Russell

- intentional emotional distress
- threatening of retaliation / retaliation
- Failure to prevent sexual harassment
- staff on inmate sexual harassment



F.U.M. Boyer

- gender discrimination / over protection

#### IV. Relief

State briefly and precisely what you want the Court to do for you. Do not make legal arguments. Do not cite any cases or statutes. If you are requesting money damages, include the amounts of any actual damages and/or punitive damages you are claiming. Explain why you believe you are entitled to recover those damages.

~~and the amount of damages~~ I am requesting **700,000** dollars.  
I feel entitled to this for the assault on my liberty & dignity; as well as pain and suffering, and conditions of confinement.

#### V. Exhaustion of Administrative Remedies/Administrative Procedures

The Prison Litigation Reform Act ("PLRA") 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes ☐ No

If yes, name the jail, prison or other correctional facility where you were confined at the time of the events giving rise to your claim(s):

Eastern Reception Diagnostic Correctional Center

- B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes ☐ No ☐ Do not know

- C. If yes, does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes ☐ No ☐ Do not know

If yes, which claim(s)?

1) Conditions & Confinement

2) Staff on inmate sexual harassment on both officers

8) I was raped by an inmate and fondled by another

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

E. If you did file a grievance:

1. Where did you file the grievance?

At EROCC

2. What did you claim in your grievance? (*Attach a copy of your grievance, if available*)

\* I was rape at the hands of one inmate and fondled by another, then later sexually harassed by two officials.

\* Conditions of environment are grossly inadequate

3. What was the result, if any? (*Attach a copy of any written response to your grievance, if available*)

\* An investigation was opened

\* Steve was told not to joke sexually

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4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (*Describe all efforts to appeal to the highest level of the grievance process.*)

\* None. The investigation is still ongoing.

\* I was threatened not to

- F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Sgt Kennon threatened ~~for~~ wrote me up

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed them of the conditions on 2/1/22 & 2/2/22 verbally. They ignored me leaving me in a cell full of feces and urinated water.

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I wrote the DOC in Jefferson City and the Inspector General. I also informed some officials.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

**VI. Previous Lawsuits**

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

- A. To the best of your knowledge, have you ever had a case dismissed on the basis of this "three strikes rule"?

☒ Yes ☐ No

If yes, state which court dismissed your case and when it was dismissed. Attach a copy of the court's order, if possible.

Eastern District of Missouri, St.  
4021-CV-01000-MEA  
Dismissed 2021

Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☒ Yes ☒ No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff Alexander Howell

Defendant(s) Department of Justice Services

2. Court (if federal court, name the district; if state court, name the state and county)

Missouri, Saint Louis

3. Docket or case number 4021-CV-01000-MEA

4. Name of Judge assigned to your case Henry Edward

5. Approximate date of filing lawsuit 10/2021
6. Is the case still pending?  
☐ Yes  
☒ No (If no, give the approximate date of disposition): 12/2021
7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)  
Case Dismissed
- C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?  
☒ Yes ☐ No
- D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)
1. Parties to the previous lawsuit  
Plaintiff Alexander Howell  
Defendant(s) ~~State of Missouri~~ Saint Louis City
2. Court (if federal court, name the district; if state court, name the state and county)  
Missouri, Saint Louis
3. Docket or case number 4:21-cv-01430-NCC, Howell
4. Name of Judge assigned to your case Noelle Collins
5. Approximate date of filing lawsuit 12/06/2021



6. Is the case still pending?

☒ Yes

☐ No (If no, give the approximate date of disposition): \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

*Pending*

## VII. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 10<sup>th</sup> day of February, 2022.

Signature of Plaintiff

*[Signature]*